

ORDINANCE NO. 2009-218

AN ORDINANCE OF THE CITY OF MADISON REPEALING AND REPLACING ORDINANCE NO. 2002-33; CREATING THE POSITION OF CITY ATTORNEY AND SPECIFYING DUTIES OF THAT POSITION.

Ordinance No. 2002-33 of the City of Madison is hereby repealed and replaced with the following:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISON AS FOLLOWS:

Section 1. This is to hereby create the position of City Attorney for the City of Madison. This position shall serve as head of the Legal Department for the City of Madison.

Section 2. The City Attorney shall be a licensed attorney in the State of Alabama. Failure to maintain licensure shall be cause for dismissal.

Section 3. The City Attorney shall represent the City exclusively and shall accept no other work that could be construed as a conflict with their representation of the City.

Section 4. The City Attorney shall be considered an unclassified Department Head employee of the City and subject to the rules, regulations, benefits, and protections of other full-time unclassified employees who are not constitutional officers or Aide to the Mayor, except as specifically provided herein. The City Council shall appoint the City Attorney to a four-year term, concurrent with the term of the Mayor, except that the initial appointment of the City Attorney shall be for the remainder of the term of the Mayor. However, the City Attorney may be subject to removal for cause pursuant to the City's Personnel Ordinances. Otherwise, the City Attorney may continue to serve at the end of the term until a successor is elected and qualified.

Section 5. The salary of the City Attorney shall be determined by the City Council, provided however, that the occupant of said office shall receive such general or across-the-board increases as provided by the City Council to all other unclassified employees of the city, and merit increases given by the Mayor and approved by City Council, and subject to the maximum salary limitations for said position by Council resolution.

Section 6. The Mayor shall direct the day-to-day activities of the City Attorney, provided that the City Council may also assign legal work to the City Attorney as they see fit. The City Attorney shall be responsible to administer and supervise the work of consultants, paralegals, legal secretaries, and others to accomplish the legal work deemed necessary by the elected officials of the City. The City Attorney shall requisition, oversee, and approve compensation for the work of any consultants required to assist him/her in his/her work. The City Council shall make an annual appropriation to the City Attorney for his/her salary and the salaries and other expenses of his/her department.

Section 7. The City Attorney shall:

- When selecting outside counsel or other consultants, select an effective attorney, law firm or other consultant, considering the nature of the work, the attorney or firm's expertise, experience, and ability to perform the work in a timely, efficient and accurate manner, and cost;

- Perform the duties outlined in the job description approved by Council Resolution for this position; and by other ordinances and resolutions of the City.

Section 8. No City employee shall utilize the services of any outside legal counsel without coordination with the Legal Department and/or the Mayor.

Section 9. In case of a conflict with any other law, ordinance, or regulation of the City, this Ordinance shall control. All laws, ordinances, and regulations of the City of Madison that are inconsistent with this ordinance are hereby repealed to the extent of the inconsistency.

Section 10. Severability. Should any section, paragraph, sentence, phrase or provision of this ordinance be declared invalid by a court of competent jurisdiction, then such invalidation shall not affect the validity of any other section, paragraph, sentence, phrase or provision thereof.

Section 11. This ordinance shall become effective upon adoption and publication as required by law.

READ, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MADISON THIS 26th DAY OF OCTOBER, 2009.

Tommy Overcash, President
Madison City Council

ATTEST:

Melanie Williard, City Clerk-Treasurer

APPROVED THIS 26th DAY OF OCTOBER, 2009

Paul Finley, Mayor